



# TEAMSTER

Northern California

Serving more than 70,000 Teamsters and their families

Volume 49, Number 5

ALIED POSITION  
TRADESMAN COUNCIL 617  
NORTHERN CALIF.

December 2004/January 2005



Hotel lock-out ends  
with cooling-off period  
**Teamsters and  
UNITE-HERE  
return to work  
for holidays**

San Francisco Teamsters are back at work at 14 hotels after six weeks. A two-week strike at four hotels by UNITE-HERE Local 2 quickly turned into a six week lock-out at 14 hotels; more than 4,000 union members were on what became a very noisy picket line.

Members of Teamsters Local 856 who work at these hotels respected Local 2's picket line. They were all relieved to go back to work under a 60-day cooling-off period on November 23.

"We believe that Local 2 will win its fight with these multinational hotel chains," said Local 856 Secretary-Treasurer Mike McLaughlin. "And we're going to be there to help them."

**See complete story on  
Page 5.**

**Teamster port driver rep Gilberto Soto killed in El Salvador. Story on page 3.**

Teamsters Local 856 members who work in SF hotels celebrate returning to work at meeting November 23

## Teamster strength in California can't overcome national election results

By BARRY BROAD  
California Teamsters  
Public Affairs Council

Across California, huge numbers of Teamsters registered to vote, did phone calling, walked precincts, talked to co-workers, and even traveled to battleground states. This effort clearly paid off in a number of important California elections.

However, when the longest, nastiest, and most contentious election campaign in U.S. history came to an end on November 2, George W. Bush was re-elected President and Republicans increased their majority in the U.S. House of Representatives and U.S. Senate.

President Bush has already promised to "spend the political capital" he earned in the election by privatizing social security. Stay tuned.

In California, one of the bluest of the "blue" states, John Kerry resoundingly defeated President Bush—so don't expect a lot of visits by the Bush-Cheney team in the next four years. Barbara Boxer handily won reelection to her U.S. Senate seat and voters re-elected the entire Congressional delegation.

In State Legislative races, despite a vigorous campaign by Governor Schwarzenegger, the Democrats retained all of their seats. Just six months ago, the Republicans were predicting that they would capture the State Assembly and gain seats in the State Senate. The Governor's coat-tails were very short indeed!

The biggest disappointment for organized labor was the very narrow defeat of Proposition 72, which would

have created minimum standards for employer-based healthcare for employers of 50 or more employees. The Governor's opposition almost certainly made a difference in the Proposition 72 fight. Nevertheless, the closeness of the election means that the issue of health care coverage is very much alive. We live to fight another day!

For in-depth numbers and percentages, please go to the Secretary of States' website at [www.ss.ca.gov](http://www.ss.ca.gov).

Wishing all current, retired and future Teamsters a very happy holiday season and a prosperous New Year.

**HAPPY HOLIDAYS!  
FELICES FIESTAS!  
节日快乐!  
MEILLEURS VIEUX!**

From the staff and officers of  
Teamsters Joint Council 7



## MEMBERS IN FOCUS

**Teamster Stephanie Coyote new head of SF Film Commission**

### Teamsters lead effort to bring film industry back to San Francisco

Filmmaking used to be a big industry in San Francisco, providing hundreds of jobs. From *Bullitt* and *Dirty Harry* to *Mrs. Doubtfire* and *The Streets of San Francisco* to *Nash Bridges*, San Francisco was a movie-making town providing incredible scenery and local color.

That was then. Looking to save money and hassle, the industry has fled San Francisco over the last several years. Now Stefanie Coyote, a location manager and Teamsters Local 85 member, is working to bring it back. And she has a team of Teamsters to back her up.

Eight weeks into her new job as Executive Director of the San Francisco Film Commission, Stefanie says she's feeling "outrage, enthusiasm, frustration...it's complicated!" But she's determined to bring the industry and the jobs back to the city.

Since 1988, Stefanie has been a location manager for films being shot in San Francisco. While she loved the work, Stefanie says that location managers worked ridiculously long hours for ridiculously low pay. "The producers could drive wages down as they saw how hungry we were for work."

Because movie work in San Francisco has been scarce and because the location managers didn't have a union contract, they were the first to get taken advantage of. Shooting the movie *The Assassination of Richard Nixon* (2004) added the final straw, pushing the location managers to agree that they needed a union.

"All of the skilled labor in the movie business up here was unionized except for us. This is a union business. It was time. I was thrilled to become a Teamster."



Stefanie Coyote, after a morning shoot at several locations around North Beach

Earlier this year, Stefanie worked on a Burger King commercial as a Teamster, then she put in for withdrawal to take the Film Commission position.

#### Bringing production back

San Francisco is number one for a lot of things, and unfortunately, being the most expensive city to film in is one of them. "If we can get our act together and be a movie-friendly town, we can bring a lot of income into the city, provide great skilled craft jobs in the industry and increase our publicity. It's about civic pride—and about having producers bring their \$40 million budgets here. That's my goal."

Coyote says that film companies are going to Canada and Mexico to save money. "The rest of the world is competing for film business by reducing costs and creating incentives. Until now, San Francisco has pushed the business away with financial gouging and everyone trying to get a

piece of the pie. People will come here if we take away the penalties. I'll try to make that happen, but it will take some time."

Some people want to blame labor for the high cost of working in San Francisco, but Stefanie is clear that the labor cost is only one ingredient. New York City covers police services; in San Francisco, the movie companies have to pay time-and-a-half. Also, hotels and catering service are expensive here. "The cost of labor is about the same everywhere there's a union contract, so it's not that."

*If Only It Were True*, a movie with Reese Witherspoon and Mark Ruffalo, just finished filming in North Beach. Coyote has been working to seal a deal with the producers of *Rent*. "We have the potential to offer low-cost production facilities on Treasure Island, but those facilities need a lot of work. That's our card. We should play it."

In addition to *Rent*, Coyote is working with the producer of *Memoirs of a Geisha* to start filming in January, and commercials for Starbucks and Toyota are also in the works.

#### Labor on the team

"Stefanie is supported by virtually all of labor," says Local 85 Secretary-Treasurer Van Beane.

"We all agree that production work has to increase. Once Local 399 in Hollywood ratified their contract, this opened up the gates for production companies to come back to San Fran-

cisco." Beane says that Local 85 currently has 30 members working under the Local 399 agreement as location scouts.

"The film commission is at its best right now because we have someone in the film office who will listen to us," Beane said. "You can't beat having that relationship. And we have the same goal—jobs."

Film Commission President and Local 350 Secretary-Treasurer Robert Morales concurs. "It's a new day in the city for filmmaking." And he should know—Morales has served on the Film Commission since Art Agnos was mayor, with a short break for the Jordan administration. He's been President of the Commission for the past nine years.

Morales says that Stefanie will be a welcome asset to the Commission and to the City and County of San Francisco. "It's a long time coming. We need someone like her to create movie-making in the city, and in turn, to create more Teamster and movie jobs."

Morales adds that Mayor Newsom allocated \$350,000 to the film commission office, enabling Stefanie to get involved in activities to promote San Francisco positively to the movie industry.

## Members in Focus

Joint Council 7 has more than 50,000 members across the greater Bay Area and many of you are doing important & fascinating things—at work, at home and in your communities. If you have a story you think might work in the Northern California Teamster, please contact your business agent or e-mail newspaper editor Debra Chaplan at dchaplan@mindspring.com.



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## Time to apply for James R. Hoffa Memorial Scholarship Fund

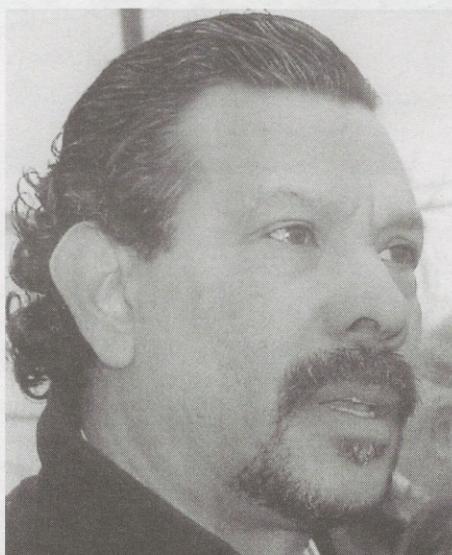
During the 2005-2006 academic year, 100 scholarships will be awarded to high school seniors who are children of Teamster members. Applicants will compete in one of five geographic regions where the Teamster parent's local union is located. Thirty-one of the awards total \$10,000 over four years. Sixty-nine of the awards are one-time \$1,000 grants.

Applications are available from all Teamster local unions and from the Scholarship Fund. Application forms and eligibility information may also be obtained from the International Brotherhood of Teamsters website ([www.teamster.org](http://www.teamster.org)) or by email: ([scholarship@teamster.org](mailto:scholarship@teamster.org)). Completed applications must be submitted to the parent's local union, providing the Secretary-Treasurer enough time to complete a section and forward the application to the International in time for the March 31, 2005 deadline.



## NATIONAL ACTION/LOCAL IMPACT

### Teamster port rep killed in El Salvador; unions call for full investigation



**Gilberto Soto  
1954-2004**

Teamster Gilberto Soto was assassinated on November 5 in El Salvador. Soto, a port drivers' representative for the Teamsters in Newark, NJ, traveled to Central America to meet with port truck drivers and labor officials in El Salvador, Nicaragua, and Honduras.

Soto was killed outside his mother's house in the city of Usulutan, El Salvador. Witnesses say he was shot in the head while walking home from work.

the back by three men who waited outside his house and fled in a getaway car. He died immediately.

Soto's goal in going to Central America was to better understand working conditions for port drivers there and to create a solidarity network between Teamsters and their Central American counterparts who often work for the same multi-national shipping companies.

"Gilberto was a hard worker and a dedicated worker," says Joint Council 7 President and Teamsters Port Director Chuck Mack. "He was very committed to improving the standard of living for port drivers. For him, working with port drivers wasn't a job as much as a lifestyle."

#### Unions call for investigation

The Teamsters have called for a thorough investigation. They suspect that Soto was gunned down as part of a systematic effort to suppress union activity in El Salvador.

The Salvadoran government has agreed to conduct a full investigation.

AFL-CIO President John J. Sweeney and Teamsters General President James P. Hoffa met with El Salvador's ambassador. "We expressed our deep concern about the lack of any type of meaningful investigation," Hoffa said. "We're concerned that Gilberto Soto was murdered because of his intention to meet with labor leaders and truck drivers throughout Central America."

The Teamsters also announced a \$75,000 reward for information leading to the arrest and conviction of Soto's assassins. The reward money was raised jointly by the Teamsters along with the two U.S. dockworkers' unions—the International Longshoremen's Association and the International Longshore and Warehouse Union.

"It is our understanding that there was no robbery; Mr. Soto was not in-

#### Labor offices looted

In a separate development, the offices of the Centro de Estudios y Apoyo Laboral (CEAL), a Salvadoran labor support center that immediately made public statements and press releases regarding the murder of J. Gilberto Soto, were ransacked in the early morning hours of November 14, 2004. The communications and computer equipment were removed and there was evidence that files and documents had been opened and reviewed. CEAL has filed complaints with the national authorities asking for investigation of the incident.

The AFL-CIO has condemned this attack on a Salvadoran labor organization and demands that this incident, as well as any connections to the murder of Jose Gilberto Soto, be thoroughly investigated by the Salvadoran authorities.

volved in any criminal activity. He was organizing port drivers, the most exploited truck drivers in the U.S., and he was visiting El Salvador on behalf of the Teamsters," said President Hoffa in a statement to the press.

"Our heartfelt condolences go out to the Soto family, and I pledge that the Teamsters Union will do everything within its power to help apprehend these murderers and bring them to justice," Hoffa continued.

According to Hoffa, "The Soto murder shows why it is important for the U.S. trade union movement to remain forever vigilant in developing our campaigns for labor and human rights around the world and for insuring the respect for worker rights in our trade agreements."

#### Workers vote to join the Teamsters; set stage for contract talks

### At Diamond Walnut, victory comes 13 years after workers went on strike

After 20 years of repeated union elections, strikes and boycott campaigns, workers at Diamond Walnut have voted to rejoin Teamsters Local 601 in Stockton, and make a new attempt to negotiate a contract.

"This is the most beautiful day of my life," said Teresa Michel, a sorting operator in the plant. "I called my son and said 'we won!' He couldn't believe it. Our lives will change so much. I am so thankful to the Teamsters for their help—and now I'm one too."

The Diamond Walnut story goes back to 1985 when the company was in dire straits financially and the workers took pay cuts of 30 percent to help get things back on the right track.

Within a few years, profits were booming but Diamond forgot the very workers who helped them. When it came time for a new contract in 1991, the company offered a meager 10¢ an hour raise and demanded increased worker payments for health care ben-

efits. The workers had no choice but to strike.

In the intervening years, Local 601 struck Diamond Walnut, saw their members permanently replaced, and launched a major corporate campaign against the company. "With help from the International and from so many unions in this region, including Joint Council 7, we hung in there," said Secretary-Treasurer Lucio Reyes.

Since the strike began in 1991, two representation elections were held, but the National Labor Relations Board threw out the results because the company had committed unfair labor practices.

"It's time to stop the war," said Reyes. "We have been fighting this company for 13 years and have shown that they cannot beat us. It's time to work together to rebuild this company."

"I thank all the Teamsters and other union members who helped us through this long struggle," Reyes added.

## APPLY NOW



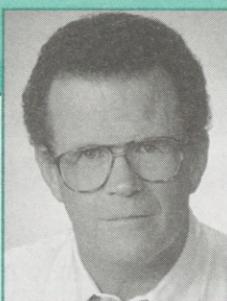
**CONTACT  
YOUR LOCAL FOR AN APPLICATION**

### Free Hazardous Materials Training

New standards for transporting hazardous materials are coming into effect. To enable Teamsters to comply, we offer free training:

- 4-hour DOT (HAZMAT) Hazardous Materials Awareness course and refresher
- 40-hour (HAZWOPER) Hazardous Waste Materials course
- 8-hour (HAZWOPER) Hazardous Waste Materials refresher

To sign up, call Barbara at 415-344-0085.



## President's Report

by  
Chuck Mack

### Thank you for doing your part

On behalf of the officers, officials and staff of Joint Council 7, I want to extend best wishes to all of our members and their families for a most joyous holiday season and a successful and peaceful New Year.

I also want to say thank you.

Thank you for all that you did in this year's national and state elections. It made a difference. Kerry-Edwards won decisively in California. Barbara Boxer was re-elected to the U.S. Senate. Teamster endorsed candidates won at the state and local levels, and while we lost on Proposition 72, the health care initiative, it was by less than 1%—amazing in light of the money the restaurant association and Wal-Marts of the world “ponied” up.

None of this would have happened without your hard work. All the voter registrations, worksite visits, phone banking and “get out the vote” activity paid off.

Results nationally, however, will not make life easier for Teamster members. Expect the Bush Administration to come after labor with an anti-worker pro-business agenda. Employer based health care, multi-employer defined benefits, pensions, and even social security are at risk.

As election results in California show, we're up to the challenge. We do not intend to abandon our struggle for economic justice for working families.

economic justice for working families.

As Jim Hoffa and Tom Keegel said in their Statement from Teamsters Union Leadership Regarding November 2 Election, “November 2 was not the end of our fight to take back this country for working families. It was the

beginning. This effort was never about one candidate, one political party, or a single election. It is about moving forward a pro-worker agenda at the national level.

“We will continue the fight for fair trade, universal health care, worker rights, pension reform and retirement security.

And we will continue to work with everyone—Republican, Democrat and Independent—who shares our agenda.”

The task ahead is clear. We need to build Teamster and labor power as never before. There can't be any let down over the next two years. We have to continue voter registration, member education and DRIVE participation. We need to identify issues, build coalition and forge alliances. Sitting still not only makes us an easy target—it insures that nothing gets done. That's a prescription for disaster.

This election isn't about surrender, it's about struggle. It's not about going backwards, it's about moving forward.

The last words of labor organizer Joe Hill as he was about to be hanged nearly a century ago are instructive. “Don't mourn for me – ORGANIZE!”

### SF Teamster hotel workers need your help

For two months, 400 members of Teamsters Local 856 employed at major San Francisco hotels respected the picket lines of locked-out members of Local 2 (UNITE-HERE). While the employers' group finally agreed to a 60-day cooling-off period in mid-November, there's no guarantee that the contract will be settled in mid-January. If they have to go on the picket line again, these Teamsters will need your help to maintain their mortgage payments, health benefits and pay other bills.

**You can help them** by contributing as much as possible to the newly established **Local 856 Solidarity Fund**. Please send as large a contribution as you can, as soon as you can, to:

Local 856 Solidarity Fund  
c/o Teamsters Local 856, 453 San Mateo Ave., San Bruno, CA 94066



**DHL**



Local 624 President Harley King at left, and Secretary-Treasurer Bob Carr at right, with DHL-Airborne Express displaying their checks.

### Local 624 wins \$50,000 arbitration award for members at DHL

In a case that has taken nearly three years to settle, a group of Local 624 members who work at DHL (formerly Airborne Express) received a share of a \$50,000 penalty award in November.

In 2001, the company took away nearly two-thirds of the Sonoma County delivery area from Local 624 members working out of its Petaluma Station and gave the work to a non-union subcontractor. Local 624 President Harley King presented the members' case in three separate hearings before the Labor Board.

The end result is that all of the

work is to be returned to Local 624 members to perform. In addition, the Company was hit with a whopping \$50,000 penalty for not returning the work when it was originally instructed to do so.

“This case could not have ended like it did without many hours of hard work and the support of Secretary-Treasurer Bob Carr, Recording Secretary Alice Hale Bowker and member Wendy Balich,” says King. “It's a great feeling to be able to pass out \$50,000 to our members just before the holidays!”





# News from Local 70

70 Hegenberger Road, Oakland, CA 94621

December 2004/January 2005

Phone 510-569-9317

*The Officers and staff of Teamsters Local 70 wish all members, retirees and your families Happy Holidays! Here's to even better days in 2005!*

## Local 70 cab drivers force Port of Oakland to back off unfair limo deal at airport

A large delegation of Oakland airport taxicab drivers forced the Port of Oakland to delay plans to allow a single limousine service to operate from the curb at the Oakland airport. This would displace Local 70 members from current facilities, and cause unfair competition with cab service.

Appearing at the November 16 Port Commission meeting, members of the Local 70-affiliated East Bay Taxi Drivers' Association protested a proposal to give monopoly status to one limousine service at the airport. The airport is controlled by the Port Commission.

Currently, limousine companies can only access airport travelers if they have a pre-arranged contract. The new plan would provide the companies with a kiosk in the baggage claim area where passengers can hire a driver in a sim-

ilar manner as waving for a cab.

"You are enriching one company, and taking that money directly out of the pockets of cab drivers who are already working 18 hours a day, six days a week, just to make a modest living," Local 70 Secretary-Treasurer Chuck Mack told the Commission. Mack led off a parade of some 10 taxi drivers who spoke to the Port during the public comment period.

After hearing from the drivers, the Commissioners voted unanimously to take another look at the contract.

"I think we really surprised the commissioners," said Mack. "They got the message."

"The drivers did an outstanding job. They are a really positive addition to our union. They are articulate, and they are willing to stand up for their rights."

## Newly-established Port Drivers Association to fight for rights

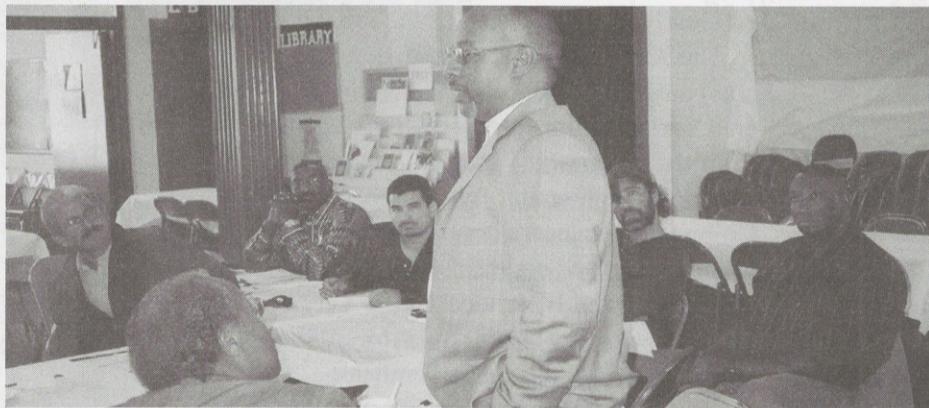
Owner-operators at the Port of Oakland have organized the Bay Area Port Drivers Association, dedicated to improving wages, benefits and conditions for all drivers.

The Association is working on a series of programs, including participation in hearings before the Oakland City Council and the state legislature on the issues drivers face, and how they impact the community.

"This is part of a national campaign," said Local 70 Secretary-Treasurer Chuck Mack, who also serves as director of the International's Port Division. "The whole unfortunate situation is the creation of the steamship companies, and ultimately they are going to have to bear the cost of fixing it."

The Association is working closely with Local 70 and with the International Longshore and Warehouse Union (ILWU). Mack and International Representative Bob Blanchet are spearheading the effort.

Members of the Association met with West Oakland Community lead-



Owner-operators meet with West Oakland clergy at Mount Eden Baptist Church on Oct. 15

ers October 15 and are setting up meetings with other community leaders to seek their support.

### Trucks of wrath

Truck drivers hauling cargo to and from the port are the most exploited workers in the maritime industry. The average port driver has no health insurance, no pension, no paid vacation or holidays, and takes home between \$7 and \$8 per hour after expenses.

Shippers hire trucking companies to move their cargo on and off the piers. The trucking companies then

hire the drivers. Most drivers are owner-operators—they are responsible for paying for their truck, and for maintenance and repair, fuel, insurance, workers compensation and all the other expenses that go into operating the vehicle.

- Port drivers are paid not by the hour, but piece-rate for each container moved, depending on the distance.
- Port drivers spend hours each day waiting for roadworthy trailers, for containers, and just to get in and

out of the terminal—all without compensation.

- Port drivers are routinely assigned poorly maintained, unsafe intermodal trailers and are liable for citations on this equipment.
- Port drivers are forced to haul overweight containers, another violation of state and federal law.
- While steamship lines charge their customers fuel surcharges when the price of diesel spikes, frequently these extra funds are not passed on to the drivers.
- Motor carriers routinely cheat drivers by requiring them to purchase unnecessary and inflated insurance policies and by violating Federal Truth-in-Leasing regulations.

At the same time, under court interpretations of anti-trust law, these truck drivers, as independent contractors, cannot bargain collectively.

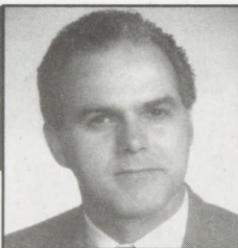
"We've got difficult challenges to overcome," says Mack. "But I believe these drivers are ready and willing to take on the fight."

### Executive Board

Chuck Mack	Secretary Treasurer
Joe Silva	President
Milton Lewis	Vice President
Lou Marchetti	Recording Secretary
Larry Aiello	Trustee
Tim Mosier	Trustee
Emil Radloff	Trustee

### Business Agents

Bob Bell	Dominic Chiovare
Lawrence Dias	Martin Frates
Odus Hall	Business Agent/Organizer
Lou Marchetti	Dispatcher/BA/Organizer
Luis Magallon	Conductor
Phil Frost	Warden



## President's Report *Joe Silva*

### New terms of office—for us and Bush

#### **Local 70 Election**

On Saturday, November 6, our members assembled in the Local 70 auditorium to nominate officers and officials for the 2005-2007 term of office.

Chuck and I were nominated for our current positions as President and Secretary-Treasurer. No other candidates were placed in nomination for these positions which means that we were elected by acclamation. On behalf of both of us, it is an honor to receive this vote of confidence. We pledge to continue to do our best to represent you, our members, in the new term of office.

A full list of nominees for Officers and Business Agents appears to the right. So far, the campaign has been spirited and all candidates have encouraged the membership to exercise their right to vote.

The future of our local union requires membership participation. The election results will be reported December 7, 2004.

#### **America West**

In August, America West Customer Service Representatives (CSR) voted overwhelmingly to join the Teamsters Union after a strong organizing campaign by the America West workers themselves. The almost 1,200 CSRs in Phoenix spearheaded this successful campaign and produced a stunning victory among their counterparts at 50 airports.

The next step requires additional internal organizing in preparation for national negotiations with America West. Local 70 will represent CSRs at the Oakland, San Jose, San Francisco and Sacramento Airports. We are already in contact with representatives from each of these regional airports. We will encourage the CSRs to select shop stewards at each facility and utilize the IBT Airline Division to begin shop steward training. We would hope that America West will release CSRs for training.

Regional meetings are scheduled for CSRs to make contract proposals and organize a national negotiating committee. We must build on this momentum; these Customer Service Representatives deserve nothing less.

#### **2004 election—a defeat for workers**

The November 2 election returns were disappointing, to say the least. Despite the unprecedented turnout of union voters, core issues impacting workers were not addressed. We mobilized like never before and placed our concerns before the electorate: fair trade, restrictions on outsourcing, job creation through investment in infrastructure, affordable health care, workers' rights to organize and pension protection. All of these require a commitment by government to adopt policies that promote working families.

The focus on terrorism, the legitimacy of the war in Iraq and the continuous debate on moral values trumped issues affecting working families.

Despite this setback, the fight continues. Economic justice is delayed but the underlying issues will continue to plague us. With resolve, we will continue to place our issues before the electorate. Our challenge is to remain engaged.

#### **Scavenger industry update**

Franchise agreements for solid waste, green waste and recycling were up for renewal in Dublin and Union City and Local 70 officials are working in each city to ensure that our members' interests were considered as part of the package.

The era of the residential "garbage man" is over. No longer limited to traditional garbage service, franchise holders are now required to pick up traditional solid waste, cardboard, plastic, cans, bottles, lawn and yard clippings, oil and batteries. This expanded service requires sophisticated and expensive automated trucks that provide curbside service.

On November 2, the Dublin City Council reviewed bids for the franchise. The current franchise holder, Waste Management (WM), submitted the most expensive bid. Amador Valley Industries (AVI) was next, with Republic submitting the least expensive bid.

With cost as a key factor, the continuation of WM's relationship with Dublin is in jeopardy. Council members, however, insisted that the wages, hours and conditions of Local 70 employees who currently service Dublin be protected. The Council also demanded that these employees be given the opportunity to continue servicing Dublin residents no matter which company gets the franchise. The Dublin City Council postponed its decision until December to allow all three companies to review their bids.

On November 9, the City Council of Union City reviewed bids from WM, the current franchise holder, and Browning Ferris Industries (BFI). Again, WM's bid was more costly than BFI's and the Council clearly identified cost as the critical issue.

The Council also insisted that Tri-Ced, a local company with strong ties to Union City, be considered for recycling services. Tri-Ced hires workers from the community and is signatory to a collective bargaining agreement with Local 70. As in Dublin, Union City exacted a commitment from BFI that the wages, hours and conditions of the Local 70 employees who currently service Union City be protected. The decision was held over for a future Council meeting, most likely in December.

As franchise agreement renewals become more competitive, Local 70 is less concerned with which company is selected and more concerned that our members continue to be protected.

Business Agent Larry Dias has worked hard to standardize the wages, hours and conditions in all solid waste and recycling contracts. We don't intend for our hard-earned gains to be eroded from one community to another.

Local 70 will continue to participate in the renewal process by attending City Council meetings when these issues are being decided. We must hold Council members accountable and be ever-vigilant.

#### **Holidays**

On behalf of all of our officers and officials, I wish you and your family safe and prosperous holidays.

## Democracy in action

More than two hundred members showed up for nominations of officers and officials in early November. If you weren't a candidate, you came to give support to your choice or choices for term of office that will run January, 2005 through 2007.

President Joe Silva and Secretary-Treasurer Chuck Mack did not have opposition. All other positions however, were contested. The election is a mail referendum with votes to be counted on Tuesday, December 7th. Installation of officers and officials will take place at December's membership meeting December 21st, and the new term of office begins January 2, 2005.

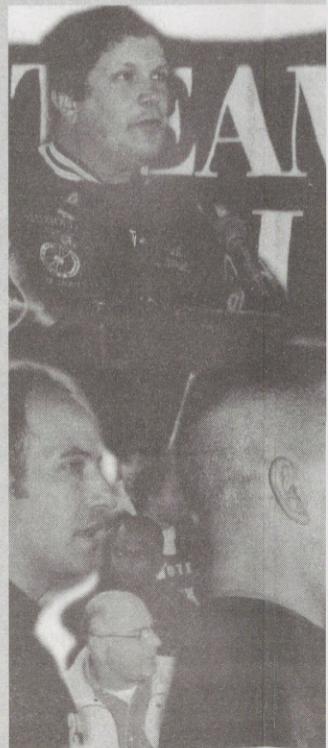
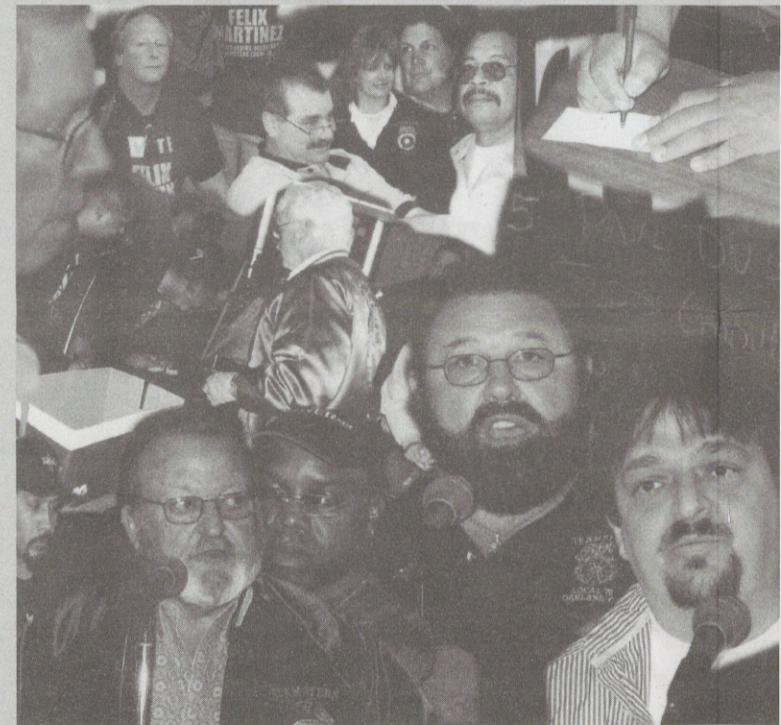
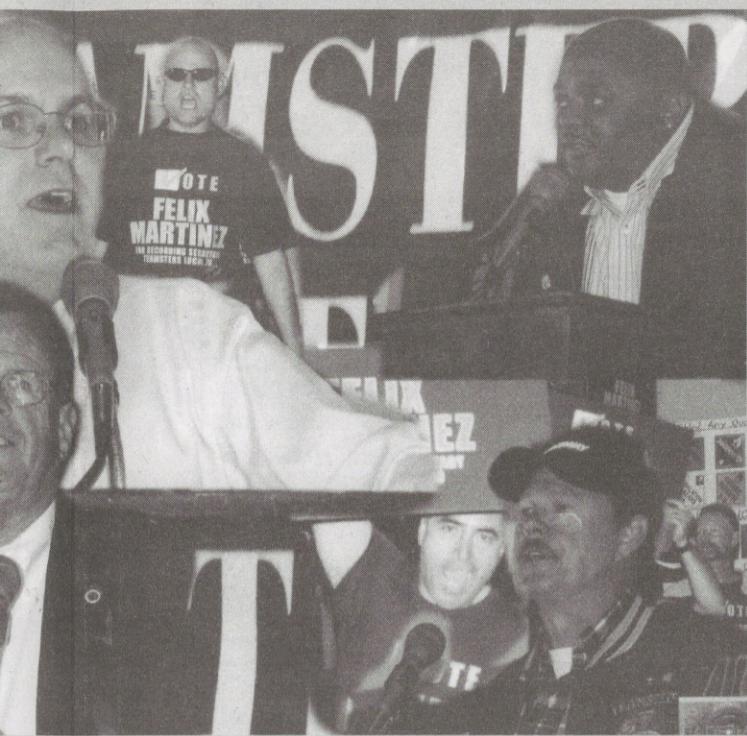


Photo montages of the candidates for union office were created by Melvin Humbane, a Local 70 member who works at Coca Cola in San Leandro.

# Action at Local 70



## Candidates for office

### President

Joe Silva

### Vice President

John Albanese • Milton Lewis

### Secretary-Treasurer

Chuck Mack

### Recording Secretary

Rob Dias • Felix Martinez

### Trustee

Larry Aiello	Jerry McCoy
Walter Felis	Tim Mosier
Rich Fierro	Emil Radloff

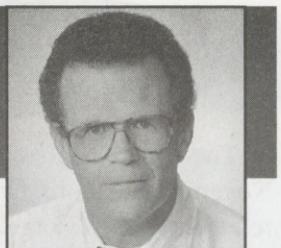
### Business Agent

Bob Aiello	Marty Frates
Bob Bell	Odus Hall
Dominic Chiavare	Lou Marchetti
Larry Dias	



## Secretary-Treasurer's Report

*Chuck Mack*



## Taking stock, recognizing our successes

With the holidays at hand and the year winding down, it's useful to take stock of where we've been and where we're going.

### Election I

We did well in the recent national and state elections. Kerry-Edwards, Barbara Boxer and Proposition 72 won handily in the Bay Area. Unfortunately the rest of the country wasn't marching in the same direction. It will not be easier for workers over the next few years. We need to regroup and reorganize politically. Local 70's grassroots, terminal to terminal, rank and file political program could well serve as a model for labor throughout California and beyond. Thank you to the officers, officials and members who did the work, got the job done and made our Political Action Program so effective.

### Election II

Local 70 members have been campaigning for union office for the past month. The balloting committee will count the votes on December 7 and the results will be in the next edition of the paper.

The campaign has been spirited and I'm sure touched most of our members by now. Congratulations to all the candidates. There are no losers here. Your willingness to run for office, the sacrifice and commitment by all during the campaign, validates that democracy is alive and well in our Local.

## Local 70 says 'No' to Wells Fargo

In late October, Local 70 learned that Wells Fargo Bank had made a \$50,000 contribution to the "NO on Proposition 72" campaign. This proposition is the health care initiative requiring employers with 50 or more workers to give their employees basic health care coverage.

Local 70's Executive Board decided that if Wells Fargo was opposed to employer-based health and welfare, Local 70 was opposed to Wells Fargo.

Printed here is a letter to the bank closing a checking account the Local has had for the last decade.

October 29, 2004

Wells Fargo Bank  
To Whom It May Concern:

By virtue of this letter we are closing the above referenced account. We recently learned that Wells Fargo made a \$50,000 contribution to the "No on Proposition 72" campaign. In our mind that is unconscionable and difficult to understand.

Wells Fargo we assume provides health care for its employees. Why it would deny health care benefits to employees of other medium-to-large size employers is baffling, petty and narrow minded.

Please issue a check in the amount of the balance of this account.

Sincerely,

Chuck Mack  
Secretary-Treasurer  
CM:JLSjr:rs

Joseph L. Silva, Jr.  
President

## Local 70 offices and hiring hall will be closed in observance of the Holidays on:

*Thanksgiving day & day after*

**11/25 & 26**

*Christmas*

**12/23 & 24**

*New Year*

**12/30 & 31**

*Happy holidays!*



**Political Action Report**  
by Lou Marchetti

The dust has settled from the November elections. On the surface the re-election of George Bush and the defeat of Proposition 72 seemed devastating to labor, but we have always had to fight for our gains and we are not about to give up now. Labor leader Joe Hill's motto, "Don't mourn ....organize," definitely comes to mind.

Once again labor's voice was heard in Alameda County. If left up to us, a new president would be sworn in and Proposition 72 would be forcing bad employers, like Wal-Mart, to provide health insurance to its workers.

I want to thank the brothers and sisters of Local 70 for their participation in the political process. You set records in phone banking, voter registration and spreading the word at the work-sites. With your help we did secure important victories. The reelection of Senator Barbara Boxer, as well as maintaining a majority of labor friendly legislators in Sacramento, is something we can all take pride in.

After a disappointment it is always inspiring to look back on our history. Let us never forget that the benefits

labor enjoys today came as a result of struggles against great odds.

Samuel Gompers, founder of the AFL, said it best:

*"Trade Unions were born of the necessity of workers to protect and defend themselves from encroachment, injustice and wrong... To protect the workers in their inalienable rights to a higher and better life; to protect them, not only as equals before the law, but also in their health, their homes, their firesides, their liberties as men, as workers, and as citizens; to overcome and conquer prejudices and antagonism; to secure to them the right to life, and the opportunity to maintain that life; the right to be full sharers in the abundance which is the result of their brain and brawn, and the civilization of which they are the founders and the mainstay; to this the workers are entitled... The attainment of these is the glorious mission of the trade unions."*

Happy Holidays to you and your families!

**TEAMSTERS LOCAL 70**  
**Telephone number and extension list**

Main Phone: 510-569-9317 Fax: 510-569-1906

(Dial main number plus extension, or direct dial number listed below)

**Board Members**

510-569-9384 \*66 Chuck Mack  
510-569-0593 \*71 Joe Silva  
510-569-7202 \*17 Lou Marchetti  
510-636-7937 \*65 Milton Lewis  
510-569-9325 \*25 Larry Aiello  
510-569-9325 \*25 Tim Mosier  
510-569-9325 \*25 Emil Radloff

**Business Agents**

510-635-6847 \*11 Robert Bell  
510-569-4665 \*13 Dominic Chiovare  
510-568-5494 \*14 Larry Dias  
510-638-2022 \*15 Marty Frates  
510-430-3548 \*16 Odus Hall  
510-569-1203 \*17 Lou Marchetti

**Hiring Hall** 510-569-1203

**Office Staff**

510-569-9320 \*62 Margaret de la O  
510-636-4789 \*61 Gabriela Dimas  
510-636-4782 \*67 Fahm Saechao  
510-569-9322 \*72 Regi Swayne  
510-636-4783 \*74 Jacenta Thompson  
510-569-9324 \*73 Diane Todaro

**Building Maintenance**

510-636-4781 \*64 Bruce Kelley

**East Bay Drayage Drivers Trust**

**Health & Welfare (EBDD only)**

510-636-0381 \*63 Shirley Fields-  
Local 70 Office  
925-798-2550 EBDD-Concord  
Office

**In Memoriam**

BUFORD, Don Oren, May 13  
EBERHARDT, Robert, October 8  
FREITAS, Raymond V., October 9  
GRMOJA, Andrew, October 1  
LEWIS, Marvin, October 30  
MARIANO, Eugene, October 1

**Local 70 Obituaries**

MERRITT, Anthony, October 21  
MOORE, Coy, October 17  
PHILLIPS, Frank, May 13  
SILVA, George, October 1  
SYCHER, Robert, October, 2004

*For Local 70 members who are sick or hurt.  
We want to hear from you—you may have benefits coming.*

**SICK BENEFIT FUND**

**Monthly Meetings—2nd Tuesday at 7:30 p.m.**

1-800-243-1350 or 510-569-9317

In order to be eligible for Sick Benefits, claims must be filed at Local 70's office within thirty (30) days of disability. Also, dues for the previous month, must have been paid on time.

**Have you moved?  
Tell us your new address!**

So that you don't miss out on important information distributed to members by mail, please remember to provide Local 70 with your new address and telephone number. Because this is an election year and the Local 70 Executive Board has approved a mail referendum ballot, it is especially important.

Please complete a Status Change Form (available from your Shop Steward) and return it to Local 70, or leave a message with the information anytime by calling Local 70's Business Office at 800-243-1350 or 510-569-9317.

**Local Union 70, City of Oakland, CA  
International Brotherhood of Teamsters**

**TRUSTEES REPORT**

September 2004

<b>INCOME</b>			
Membership Dues	\$199,576.83	Contributions	1,790.00
Initiation and Re-initiation Fees	18,826.30	Benefits Paid	39,682.98
Withdrawals and Transfers	4.00	Funds for transmittal	55.50
Assessments & Fines	13,010.75	Refunds-Dues	417.00
Non-member fees	1,144.25	Refunds-Ini & Reini	566.40
Funds for transmittal for members	154.00	Refunds-Other	61.00
Other Receipts (Schedule A)	4,010.84	Office and Administrative	18,767.54
Mandatory Drug Test	249.50	Legal Fees	6,704.00
<b>Total income</b>	<b>\$236,976.47</b>	Arbitration Fees	600.00
		Other Professional Fees	1,440.25
		Taxes	7,313.37
		Meeting and committee expenses	396.24
		Auto expenses	4,323.57
		Out of town travel expenses	3,273.94
		Other expenses (Schedule B)	12,799.19
		<b>\$246,885.45</b>	
			<b>(\$9,908.98)</b>

**STATEMENT OF ASSETS & LIABILITIES**

As of Sept. 30, 2004

	Sept. 30, 04	Aug. 31, 04	\$ Change
<b>Assets</b>			
General Fund-Checking Acct.	94,513.79	113,001.92	(18,488.13)
Petty Cash	850.00	850.00	0.00
General Fund-Savings Acct.	12,985.93	12,979.95	5.98
General Fund-CD	538,672.70	538,107.94	564.76
Cash in Special Funds	71,008.52	70,958.91	49.61
Land	161,487.99	161,487.99	0.00
Buildings	196,664.56	196,664.56	0.00
Office Furniture/Equipment	20,448.97	20,448.97	0.00
Other Assets	16,764.79	16,764.79	0.00
<b>Total Assets</b>	<b>\$1,113,397.25</b>	<b>\$1,131,265.03</b>	<b>(\$17,867.78)</b>
<b>Liabilities &amp; Equity</b>			
Payroll Liability	0.00	434.75	(434.75)
Long Term Liabilities: Obligations	1,198,176.82	1,205,700.87	(7,524.05)
<b>Total Liabilities</b>	<b>\$1,198,176.82</b>	<b>\$1,206,135.62</b>	<b>(\$7,958.80)</b>
<b>Equity</b>			
Opening Balance Equity	(211,544.74)	(211,544.74)	0.00
Net Income	126,765.17	136,674.15	(9,908.98)
<b>Total Equity</b>	<b>\$84,779.57</b>	<b>(\$74,870.59)</b>	<b>(\$9,908.98)</b>
<b>Total Liabilities &amp; Equity</b>	<b>\$1,113,397.25</b>	<b>\$1,131,265.03</b>	<b>(\$17,867.78)</b>

**SCHEDULES**

**Schedule A—Other Receipts**

Sale of Supplies	472.00	Sick Benefit Payments	6,580.00
Membership application Fee	510.00	Building Maintenance	400.00
Interest-General Fund checking	21.00	Interest—IBT Loan	5,023.88
Interest-Citizens Funds	5.98	Bank Error	(0.49)
Interest-Washington Mutual Savings	6.18	Pest Control Services	120.00
Interest-Washington Mutual CD	43.43	Gardening Service	325.00
Interest-McM Funds	564.76	Drug Test	99.80
Reimbursements-Other Receipts	436.75	Nor Cal Teamsters News	61.50
Insurance (Benevolent)	75.00	IBT Assessment	2.00
Health & Welfare Cost Rmbrse	1,715.74	Labor Day Picnic	187.50
Joint Council 7 Reimb for Scryr	160.00	<b>Total Other Expenses</b>	<b>\$12,799.19</b>
<b>Total Income</b>	<b>\$4,010.84</b>		

## AROUND THE LOCALS

### Teamster elected to Watsonville City Council

Congratulations to Local 890 Business Agent Oscar Rios for getting elected to serve on the Watsonville City Council in November. Rios had been the first Latino mayor of Watsonville in the 1990s, but was term-limited out after serving two terms. "I'm glad to be back on the council to represent the interests of working people in Watsonville," Rios said.

### Local 890 settles tough contracts for salad industry

After turning down two contract proposals from Dole, 1,800 Local 890 members who work in the package salad plants in Yuma, AZ and Soledad, finally ratified their contract by a 9-1 margin. Following the Dole settlement, River Ranch, with locations in Salinas and El Centro, came up with a proposal that their 700 employees could ratify as well.

"This is a new industry that didn't exist 15 years ago," says Local 890 Business Agent Mike Johnston. "This industry grew out of the fields, so it's traditionally very low paying. It's also half union and half non-union, and fiercely competitive. Our goal was to get real wage improvements, along with decent health insurance and retirement funds."

Contracts at both companies are for four years. The employees will get wage increases of 5% the first year and 3% in each of the subsequent years, with much more for some workers. Dole made some dramatic improvements in health coverage, adding a good dental plan.

### San Jose adjusts rates

Local 350 scored a great victory in San Jose when they successfully con-

vinced Mayor Ron Gonzalez and the City Council to authorize an increase of approximately \$12 million to California Waste Solutions in order to settle a five-year agreement for the Teamsters who work at that company. "This was the first time the City readjusted rates after the bid was completed," says Secretary-Treasurer Robert Morales.

"We were having difficulties negotiating this agreement because the employer had won a low-bid franchise deal with the City and could not afford to pay our members prevailing wages and benefits," says Morales. It took over a year for Local 350 officers to accomplish this task.

### Victory over Sunset

Local 350 won a significant arbitration at Sunset Scavenger Company in San Francisco in October.

In early 2003, the employer refused to return member Juan De La Cruz back to work after an injury on the job. The employer had two attorneys and two doctors at the arbitration hearing.

With the help of Attorney Duane Beezon, the union prevailed and De La Cruz won back pay for the 18 months with all of his seniority and benefits. De La Cruz is now back to work.

### Election victory

The Teamsters scored a winning election in San Francisco when six of the seven Teamster-endorsed candidates won election to the San Francisco Board of Supervisors last month.

"I must recognize the members of Locals 278, 350 and other locals who worked so hard on these elections," said Local 350's Robert Morales. "Having good people in office makes our work easier."

## Teamsters on the line for SF hotel strike

As this issue of the *Northern California Teamster* goes to press, members of Local 856 and Local 665 who respected picket lines established by UNITE-HERE Local 2 at major San Francisco hotels are back at work under a 60-day cooling off period.

Local 2 and the hotel employers signed the agreement for a cooling-off period on November 20. Local 856 has some 400 members who work at the front desk and back office and over 200 Local 665 members work in the hotel parking lots. They were back at work on November 23.

"You guys were heroes," said Local 2 President Mike Casey. "I cannot tell you how grateful we are for your support. You can count on us when it's your turn

in the barrel."

The current Local 856 agreement with the hotels expires in 2007.

"This is only a temporary truce, but we have won the first round," said Local 856 Secretary-Treasurer Mike McLaughlin. "The hotels had said they would not permit Local 2 to return to work if the union did not drop its proposal for a two year contract; they lost on this issue. The hotels tried to deny Local 2 members health benefits for December; they lost on this issue. The hotels opposed unemployment benefits for Local 2 members. They lost on this issue."

"We believe that Local 2 will win its fight with these multinational hotel chains. And we're going to be there to help them."

### December elections for Locals 70 and 624

## Three Local Unions re-elect officers on "white ballot"

Locals 315, 665 and 853 completed their election process in November when the slate of officers for each local was elected by acclamation, also known as a "white ballot." Here are the new officer slates:

### Local 315:

Dale Robbins, *Secretary-Treasurer*  
Steve Gutierrez, *President*  
Mario Martinez, *Vice President*  
Paul Poston, *Recording Secretary*  
Dan Cahill, James Francis & Jim Sveum—*Trustees*

### Local 665:

Ernie Yates, *Secretary-Treasurer*  
Mark Gleason, *President*  
Edward Dion, *Vice President*  
Edward Carter, *Recording Secretary*  
Chuck Andrew, W.T. Brown, Vincent Jung—*Trustees*

### Progress is Teamster

In September, 80 counselors at the Progress Foundation, a San Francisco mental health services provider, overwhelmingly chose representation by Local 85. The part-time "relief" counselors provide mental health services in a residential setting.

"These workers face many unique issues. We welcome them to our Local," says Local 85 Secretary-Treasurer Van Beane.

### Cab drivers force Port to back off limo deal

A delegation of Oakland airport taxicab drivers forced the Port of Oakland to delay plans to allow a single limousine service

As McLaughlin noted, the turning points in the lockout occurred when the State of California awarded unemployment benefits, and when Kaiser and other providers agreed to dip into reserves to provide health and welfare coverage for December. Those two actions took a lot of heat off the members of Local 2 and allowed them to stay out, if needed, through the busy holiday season.

The hardships faced by Local 856 members were also softened by assistance from the IBT strike fund. Local 856 members were neither on strike nor locked out and therefore would not ordinarily qualify for strike benefits. However, after receiving an appeal from Local 856, General President James P. Hoffa agreed to make an exception to the usual procedures.

Once Local 2 members qualified for

### Local 853:

Rome Aloise, *Secretary-Treasurer*  
John C. Becker, Sr., *President*  
Phil Tarantino, *Vice President*  
Antonio Christian, *Recording Secretary*  
Jeff Belunza, Mike Furtado, Julie Molina—*Trustees*

### Local 70:

While there are contested elections for Vice-President, Recording Secretary, Trustees and Business Agents, Chuck Mack was re-elected as Secretary Treasurer and Joe Silva was re-elected as President on white ballots.

### Local 624:

There were contested elections for all positions. Mail ballots must be received by December 20. See the notice on page 6 for more information about this election.

to operate from the curb at the Oakland airport. This would displace Local 70 members from current facilities, and cause unfair competition with cab service.

Members of the Local 70-affiliated East Bay Taxi Drivers' Association appeared at the November 16 Oakland Port Commission meeting to protest a proposal to give monopoly status to one limousine service at the airport.

After hearing testimony from about 10 drivers, the Commissioners voted unanimously to take another look at the contract.

"I think we really surprised the commissioners," said Local 70 Secretary-Treasurer Chuck Mack. "They got the message."

unemployment insurance, they agreed to turn over part of their own strike benefit to members of Local 856 and 665. "The cooperation between our locals has been absolutely outstanding," McLaughlin said.

On the other hand, the combined strike benefits are still not sufficient if the hotel strike resumes. To that end, Local 856 has set up a Solidarity Fund which will take care of emergencies on a case-by-case basis.

Local 856 members have already contributed \$15,000. "This is an ongoing Fund to which we will continue to request voluntary contributions."

Local 2 and the hotels' Multi-Employers' Group, are scheduled to return to bargaining on December 2. "We're going back to the table in good faith," Casey said after the meeting. "If it doesn't work, we'll decide what we do after that."

# JOINT COUNCIL 7



## Executive Board

Chuck Mack...President  
Steve Mack...Vice President  
Robert Morales...Secretary-Treasurer  
Rome Aloise...Recording Secretary  
Ernie Yates...Trustee  
Carlos Borba...Trustee  
Franklin Gallegos...Trustee

## Please note:

The Bulletin Board will be included in the paper only once each year, in the June issue. (We will print address and meeting changes on an ongoing basis.) Please save this copy of the Bulletin Board for information about your Local Union.

## Delegates' Meetings

The regular 2004 delegates' meetings are held the first Tuesday in February, April, June, August, October and December.

## Nominations & Elections — International Constitution December, 2004

The following excerpts from the International Constitution apply to all nominations and elections in Teamster Locals:

### ARTICLE XXII, Section 4(a):

To be eligible to nominate and otherwise participate in the nominations meeting, a member must have his dues paid through the month prior to the month in which the nominations meeting is held. Nominations shall be made at the meeting by a member in good standing other than the nominee by motion seconded by a member in good standing other than the nominee. Candidates must accept nominations at the time made either in person, or, if absent, in writing, and may accept nomination for only one office. A member may also run for and be elected as a Business Agent or Assistant Business Agent as provided in Article XXII, Section 8, and may hold both the office and the position if elected to both.

### ARTICLE XXII, Section 4(b):

The Local Union Executive Board shall have the authority to establish all rules and regulations for the conduct of the election to supplement the provisions of the International Constitution and the Local Union Bylaws, including the authority to use mail referendum balloting or absentee balloting without membership approval. Absentee voting by mail shall be permitted only upon application of members who are ill or absent from the city or town where they are normally employed at the time of voting because on vacation or on em-

ployment tour of duty.

The Local Union Executive Board may permit additional reasons for absentee balloting if they so desire. Application for absentee ballots shall be made to the Secretary-Treasurer of the Local Union not less than five (5) days prior to the date set for election and shall contain the grounds therefor. Absentee ballots shall be valid only if they are received by noon of the day on which the polls close.

(NOTE: The International Union recommends that prospective nominees be advised to verify, in advance of the nominations meeting, the eligibility of the nominators and seconders).

### ARTICLE XXII, Section 4(c):

## Local 624, Santa Rosa

In order to vote, a member must have his/her dues paid through the month of November, 2004. Membership in good standing, as required, is subject to verification by the Union.

The election shall be conducted by mail referendum ballot. The ballots will be mailed out on December 3, 2004 and all ballots must be received at the P.O. Box by 9 a.m. December 20, 2004, at which time they will be picked up and counted. You have until the close of business day on December 17, 2004 (12:00 Noon) to become current on your membership (Dues and Initiation).

Request for duplicate ballot should be made if a member has not received a ballot by December 8, 2004. Request will be made directly by the member to the Election Service at Pacific Election Service Inc., 1650 Stanmore Dr., Pleasant Hill, Ca 94523, phone 925-685-4935.

*Bob Carr, Secretary-Treasurer*

To be eligible to vote in the election, a member's dues must be paid up through the month prior to the month in which the election is held.

### ARTICLE II, Section 4(a)(1):

To be eligible for election to any office in a Local Union, a member must be in continuous good standing in the Local Union in which he is a member and in which he is seeking office, and actively employed at the craft within the jurisdiction of such Local Union, for a period of twenty-four (24) consecutive months prior to the month of nomination for said office, and must be eligible to hold office if elected. "Continuous good standing" means compliance with

the provisions of Article X, Section 5, concerning the payment of dues for a period of twenty-four consecutive months, together with no interruptions in active membership in the Local Union for which office is being sought because of suspensions, expulsions, withdrawals, transfers or failure to pay fines or assessments. Provided, however, that if a member on withdrawal deposits his card in the month immediately following the month for which it was effective and pays his dues for both months in a timely manner as provided in Article X, Section 5(c), such period of withdrawal shall not be considered a break in continuous good standing in the Local Union.

(NOTE: In addition to the foregoing Constitutional provisions, the International advises that: Elected officers of the Local Union, shall, by virtue of such election, be delegates to any Joint Council with which the Local is affiliated as well as to any convention of any subordinate body which may take place during their term of office.

Elected Local Union officers shall be delegates to such conventions in the order of priority set forth in the Local Union Bylaws. If the Bylaws do not set forth an order of priority, the principal executive officer shall have first priority, followed by the remaining elected officers in the order determined by the Executive Board.

Members are advised to consult the Bylaws of their Locals for additional rules concerning nominations and election procedures).

## Q&A about the Western Conference of Teamsters Supplemental Benefit Plan

This information is provided by the Western Conference of Teamsters Supplemental Benefit Plan.

### Q. How would the WCT Supplemental Plan benefit me?

A. The Supplemental Plan provides an increasing benefit to the members to help offset medical and other living expenses. Over 20,000 retirees and spouses are currently receiving annual benefits.

### Q. What is the difference between the WCT Pension Plan and the WCT Supplemental Benefit Plan?

A. The Supplemental Plan benefit is not based on contributions paid prior to retirement and is a benefit paid annually, not monthly. The benefit increases each year as long as the employer continues to contribute. If the employer ceases to participate, the increases stop. However, the retiree will continue to receive the annual benefit for life.

### Q. Currently, how many retirees are participating in the Supplemen-

Many Teamster Local Unions have struggled to find a way to help their members deal with cost-of-living increases. Each year, medical and other living expenses go up, while pension benefits remain level. Well, there is a solution: the Western Conference of Teamsters Supplemental Benefit Plan!

Established in 1982, the Supplemental Plan provides additional annual benefit for retirees already receiving pensions from the Western Conference of Teamsters Pension Plan. Here are some answers to commonly asked questions about the plan.

### tal Plan?

A. There are nearly 22,000 current retirees, surviving spouses and beneficiaries. In 2004 they received over \$9 million in benefits.

### Q. What is the cost?

A. For the retirees there is no cost for this benefit. The benefits are provided through employer contributions negotiated in collective bargaining agreements.

### Q. How does the WCT Supplemental Plan benefit retirees?

A. Participants receive an increasing benefit of \$110 per year, as long as their employer continues to contribute to the Supplemental Plan. For exam-

ple, a retiree would receive \$110 in the first year, \$220 in the second year, \$330 in the 3rd year, etc. These amounts are reduced for married participants in order to pay for a Joint and Survivor benefit for their spouses.

### Q. What if I retired before my employer joined the Supplemental Plan?

A. New employers bring their existing retirees with them. In addition to the increasing benefit above, retirees would receive a benefit of \$23 for each full year of prior retirement. For example, if you have been retired 10 years, you would receive \$340 in the first year ( $10 \times \$23 + \$110$ ).

### Q. Would my surviving spouse receive a benefit after I pass away?

A. Yes. The surviving spouse benefit is 50% of the last benefit earned prior to a retiree's death and is based on the ages of retiree and spouse. For example, if a retiree received \$500 the year before death, the spouse would receive a benefit of \$250 for life. In no case will this benefit be less than \$150 per year.

### Q. What happens if my spouse dies before I do?

A. Future increases are no longer reduced if the spouse passes away prior to the retiree. That is, your future increases would be the full \$110 per year, rather than being reduced for the Joint & Survivor benefit.

• • • •

If you would like to know more about the Supplemental Plan, call (877) 350-4792, ext. 657. Southwest Administrators will provide details, a Summary Plan Description booklet and enrollment information.

**Reminder**

General meeting notices were posted in the June/July issue of this paper. For meeting dates and locations, refer to that notice or call your Local Union.

15 . . . . .	510-487-1386	490 . . . . .	707-643-0387
70 . . . . .	510-569-9317	624 . . . . .	707-542-1292
78 . . . . .	510-889-6811	665 . . . . .	650-991-2102
85 . . . . .	415-344-0085	853 . . . . .	510-895-8853
278 . . . . .	415-467-0450	856 . . . . .	650-635-0111
287 . . . . .	408-453-0287	890 . . . . .	831-424-5743
315 . . . . .	925-228-2246	896 . . . . .	707-644-8896
350 . . . . .	650-757-7290	912 . . . . .	831-724-0683

**Extra pension check for pre-1985 retirees**

At its quarterly meeting in October, the Western Conference of Teamsters Pension trustees approved an extra check for the year 2005. Next years' check distribution will follow that of the last two years.

**How much?** \$600 for pre-1985 retirees living as of January 1, 2005  
\$500 for surviving spouses of deceased pre-1985 retirees

**When?** February 2005

**Sent to?** Recipient's home address

Joint Council 7 pension trustees Rome Aloise and Chuck Mack estimate that the payment will add \$20-21 million in extra check benefits that the Teamsters have distributed since 1985.

"The return on investment for the pension trust has been spotty over the last several years, so we're especially pleased that we can provide this check to members that retired prior to 1985. It puts extra money into the hands of retirees whose monthly benefits are nowhere near the benefits of today's retirees," said Aloise and Mack.

The extra check is a discretionary benefit that is not guaranteed. Trustees review the benefit annually and authorize a distribution when funding levels permit.

## NOTICE OF NOMINATIONS AND ELECTION OF OFFICERS FOR TEAMSTERS JOINT COUNCIL NO. 7

### TO: All delegates to Teamsters Joint Council No. 7

In accordance with the Bylaws of Teamsters Joint Council No. 7, there will be nominations for and election of officers of the Joint Council in accordance with the following schedule:

Nominations will be received at the regular delegates' meeting on December 7, 2004, which will be held at the Sheet Metal Workers' Hall, 1700 Marina Blvd., San Leandro. The meeting will be convened at 7:30 p.m.

The Election will be conducted by secret ballot vote at the regular delegates' meeting on February 1, 2005, which will also be held at the Sheet Metal Workers' Hall, 1700 Marina Blvd., San Leandro. The meeting will convene at 7:30 p.m.

Officers to be nominated and elected are President, Vice President, Secretary-Treasurer, Recording Secretary and three (3) Trustees.

Officers shall be elected from the delegates to the Joint Council. To be eligible for office a delegate must be in continuous good standing with the Local in which he holds a membership for a period of twenty-four (24) consecutive months prior to nomination, and the Local in which he holds

membership must be in good standing with the Joint Council at the time of his/her nomination. The meeting attendance requirements relating to delegates, as contained in Article II, Section 5 of the Joint Council Bylaws, will not be enforced either with respect to eligibility to nominate, be nominated or elected to office.

A delegate not present at the nomination meeting may be nominated only if a written and signed consent to be nominated is presented to the presiding officer before or at the nomination meeting.

Voting will be by secret ballot. No delegate may be nominated for or hold more than one office. Only delegates who have been elected to office in their Local Union shall be eligible to vote in the election of Joint Council officers.

Please consult the International Constitution and the Joint Council 7 Bylaws for additional rules governing the election of Joint Council officers.

Fraternally,

Rome Aloise  
Recording Secretary

**Notice of meeting changes****Local 70:**

Due to the Christmas Holiday, the December Membership meeting and installation of elected officers and officials will be held the third Tuesday in December.

Chuck Mack, Secretary-Treasurer

**Local 78**

Due to the Christmas Holiday, the December Membership meeting will be held the third Monday of the month, December 20th.

Steve Mack, Secretary-Treasurer

**Local 490 — West Bay**

Local 484 has merged into Local 490. The

December, 2004 Quarterly Bakery meetings have been cancelled and rescheduled as follows: Tuesday, January 18, 2005, 7 p.m. at the Spanish Cultural Center, 2850 Alemany Blvd., San Francisco. North Bay meeting: Tuesday January 25, 2005, 6 p.m. at Carpenters' Hall, 1700 Corby Avenue, Santa Rosa, across from 7-11 store. For additional information and dates contact Local 490's West Bay office: 415-333-2680.

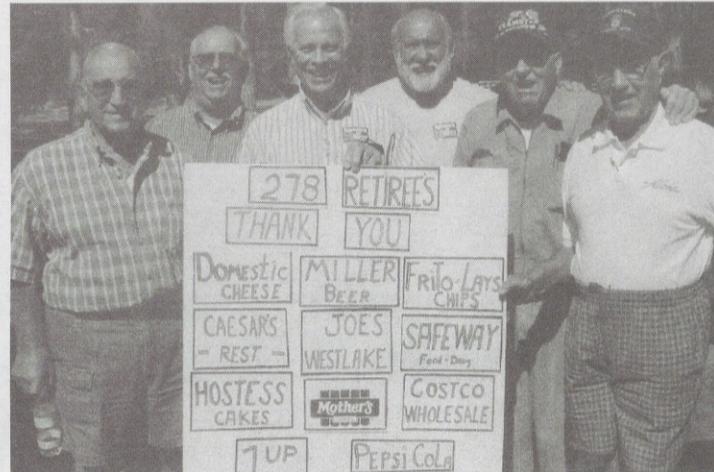
Carlos Borba, Secretary-Treasurer

**Local 856**

Local 856's December meeting has been cancelled. Next meeting January 25.

Mike McLaughlin, Secretary-Treasurer

## Teamsters Local 278 Retiree Club picnic September, 2004



The Executive Board of the Local 278 Retiree Club pays tribute to their picnic sponsors.

**In Memoriam**

Joint Council 7 officers extend condolences to the family and friends of the following Teamster members who died recently

BUFORD, Don Oren, Local 70	BOESCH, William, Local 291
EBERHARDT, Robert, Local 70	ADAMSON, Richard, Local 315
FREITAS, Raymond V., Local 70	ALESSIO, Frank, Local 315
GRMOJA, Andrew, Local 70	CIAMPA, Rudolph, Local 315
LEWIS, Marvin, Local 70	FLORES, Jose, Local 315
MARIANO, Eugene, Local 70	GALINDO, Raymond, Local 315
MERRITT, Anthony, Local 70	JONES, Leslie, Local 315
MOORE, Coy, Local 70	KELLY, James, Local 315
PHILLIPS, Frank, Local 70	RAMOS, Lloyd, Local 315
SILVA, George, Local 70	CAMPOS, Ralph, Local 432
SYCHER, Robert, Local 70	EDWARDS, Isaac, Local 432
GIOVANNETTI, Lawrence, Local 85	FRENCH, Louie B., Local 484
JACKLICH, Lloyd "Bud", Local 85	LINDLEY, Dale, Local 490
PIERCE, Victor Allen, Local 85	DRISCOLL, Theresa, Local 665
REBAGLIATI, Fred, Local 85	BRASCH, Kenneth S., Local 853
ACEVEDO, Gilbert, Local 216	GIN, Susie, Local 856
DE SCALA, John, Local 226	GRUBER, Curtis, Local 856
SIMPSON, Barry D., Local 226/302	LEONG, George, Local 856
CLARKE, Marguerite, Local 265	LERMA, Theodore "Ted", Local 890
CUNNINGHAM, Willis, Local 278	RODRIGUEZ, Jose, Local 890
MERAUX, Jesus H., Local 278	VINCI, Romeo, Local 890
PARKS, Ed, Local 278	BROWN, Joe, Local 896
BRAZ, Edward, Local 287	STACK, James, Local 896
CONNELL, Steven, Local 287	



## YOUR LEGAL RIGHTS

### What you should know about unfair business practices and the "Sue your Boss" law

The recent passage of Proposition 64 means that one of the laws unions have used to keep unscrupulous employers in check has been cut back—but the law has not been repealed.

Unions and employees should know that, under California's Unfair Competition Law (also called the "Unfair Business Practices Act"), employers are still prohibited from doing business based on practices that are unfair, deceptive, or outright illegal. Employees should continue to report employer conduct that violates, for example, the wage and hour laws or the occupational health and safety laws, and police employers who profit illegally at the expense of their employees.

The Unfair Competition Law was designed to create a level-playing field among businesses and ensure that those that follow the law are not at a competitive disadvantage to those that cheat. The law protects basic notions of fairness in how businesses should be allowed to profit.

The media has characterized the Unfair Competition Law as a consumer protection statute because it prohibits fraud, false advertisements, and other conduct that misleads the public. But the law is much broader

#### *From the Law Office of Beeson, Tayer & Bodine*

This commentary is not to be construed as legal advice. Specific legal questions may be directed to the law offices of Beeson, Tayer & Bodine or your own attorney.

and has proved useful in other circumstances, helping unions and workers enforce labor standards through private lawsuits.

Often, labor standards will go unenforced and employer misconduct will go unchecked because the public agency appointed to oversee the matter (such as the City Attorney or the State Labor Commissioner) does not enforce the law. This lack of enforcement may be due to lack of resources or because the agency is simply unwilling to prioritize the issue. The Unfair Competition Law allows any

private citizen to sue when he or she has been injured by an unfair business practice.

#### What to watch for

Conduct that violates the Unfair Competition Law includes any business practice that: (1) violates another law, such as a law or regulation on wage payments, breaks, or health and safety conditions; (2) is considered "unfair" because the practice may not technically violate the law but comes close and is harmful; or (3) deceives or misleads the public in some way.

You should inform your Shop Steward or Business Agent if you are aware of an employer practice that falls into any of these categories.



## NEWS FROM TAP

### DOT adds new entry-level driver training requirements

On May 21, 2004 the Department of Transportation's Federal Motor Carrier Safety Administration issued a final rule that requires employers to ensure that specific training was received by every entry-level driver who operates a commercial motor vehicle (CMV) in interstate commerce.

An entry-level driver is one with less than one year of experience operating a CMV with a commercial driver's license (CDL) in "interstate commerce" (transporting freight or company property between states).

Drivers who first began operating a CMV in interstate commerce between July 20, 2003 and October 18, 2004 must have had the required training before October 18, 2004. After October 18, 2004, any entry-level driver must have completed the required training before operating a CMV in interstate commerce.

The mandated training must include instruction in four areas:

- 1: Driver qualification requirements
- 2: Hours of service of drivers
- 3: Driver wellness
- 4: Whistleblower protection.

In 49 CFR Part 380.503, DOT defines entry-level driver wellness training requirements as "Basic health maintenance, diet and exercise. The importance of avoiding excessive use of alcohol." The purpose of the wellness training is to provide medical information to the driver so that he/she

can make informed life style choices. The training does not require drivers to disclose personal medical information to anyone.

Driver wellness topics suggested by DOT are: stress, sleep apnea, how to maintain healthy blood cholesterol, blood pressure, and weight, as well as

the importance of periodic health monitoring and testing, diet and exercise. Training in alcohol and drug abuse was removed from the proposed regulations because of the requirement in 382.601 for employers to provide alcohol and drug testing information to CMV operators.

Training providers must issue certificates or diplomas to drivers. The certificate or diploma must include: the date of issuance, name of training provider, mailing address of training provider, name of driver, printed name and signature of the person attesting that the driver received the required training.

The DOT/FMCSA regulations do not state how much time the training must entail or who is qualified to conduct the training. It states that employers may do the training themselves and that it may be incorporated into curriculum of commercial truck driving schools, so long as a certificate or diploma given by any commercial driver training school includes wording that is substantially in accordance with the wording required under the rule.

It must state: I certify that (NAME) has completed training requirements set forth in the Federal Motor Carrier Safety Regulations for entry-level driver training in accordance with 49CFR 380.503.

It is the employer's responsibility to obtain a copy of each entry-level driver's certificate or diploma and retain it in the driver's personnel or qualification file for as long as the driver is employed and for one year thereafter.

#### You're Invited... Teamsters' Assistance Program 23rd Annual Holiday Party

Saturday, December 11, 2004

11:00 am to 3:00 pm

Teamsters Local 78, 492 "C" Street, Hayward

Come celebrate a sober Holiday Season with the TAP staff, treatment providers, alumni, family and friends. Santa will arrive and bring gifts to children age 12 and under.

There will be kids' crafts, a speaker, holiday music, raffle prizes and lunch.

If you have any questions, call TAP at (510) 562-3600.

See you there!